IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| In re Application of | Atty. Docket |
| WOLFGANG OTTO BUDDE ET AL. | DE 030020 |
| | Confirmation No. 8936 |
| Serial No. 10/542,059 | Group Art Unit: 2442 |
| Filed: DECEMBER 2, 2005 | Examiner: BENOIT, E. |

Title:   METHOD AND ARRANGEMENT FOR ASSIGNING NAMES TO DEVICES IN A NETWORK

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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
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**APPEAL BRIEF**

Sir:

Appellants herewith respectfully present a Brief on Appeal as follows, where a Notice of Appeal is concurrently filed:

## REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

## RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

## STATUS OF CLAIMS

Claims 1-13 are pending in this application.  Claims 1-13 are rejected in the Final Office Action mailed on November 5, 2009.  Claims 1-13 are the subject of this appeal.

## STATUS OF AMENDMENTS

Appellants did not file a Response to a Final Office Action mailed November 5, 2009. Appellants are concurrently filing a Response to the Final Office Action mailed November 5, 2009 that corrects certain informalities in claims 7-9 and 11, entry of which is respectfully requested. This Appeal Brief is in response to the Final Office Action mailed November 5, 2009, that finally rejected claims 1-13.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as recited in independent

claim 1, shown in FIGs 1-3, and described on page 3, lines 1-33;

and page 5, line 10 to page 7, line 5 of the specification, is

directed to a device arrangement for a network 1 comprising devices

2, 2a-2f that are connected to an electronic data link 12. As

shown in FIG 3 and described on page 5, lines 26-29 of the

specification, each device 2 of the devices has a name memory 6 for

storing a device name uniquely assigned to a device 2 of the

devices, to enable the each device 2 to be uniquely actuated within

the network 12. As shown in FIG 2 and described on page 5, line 30

to page 7, line 5, the arrangement further includes a mobile input

unit 3 having an input device 7 configured to allow input of a

desired device name, where the electronic data link 12 is

configured for allowing communication between the mobile input unit

3 and the device 2, and where the electronic data link 12 has so

short a range that, by positioning the mobile input unit 3 in a

vicinity of the device 2, the device 2 is selected among the

devices 2, 2a-2f on the network 1. The mobile input unit 3 is

configured to select or change the device name stored in the name

memory 6 via the electronic data link; and in response to a user

entering the desired device name in the mobile input unit 3 and

bringing the mobile input unit 3 within the range, the desired

device name is automatically transmitted from the mobile input unit

3 to the device 2 and the name memory 6 of the device 2 is

overwritten with the desired device name.


The present invention, for example, as recited in independent

claim 3, shown in FIGs 1-3, and described on page 4, lines 17-22;

and page 7, lines 24-31 of the specification, is directed to a

device arrangement where the devices 2, 2a-2f have transmission

means, such as a transmitter 14 of a first type for linking with

other devices 2, 2a-2f on the network 1, and the mobile input unit

3 also has a transmission means, such as a mobile transmitter 5 of

the first type, the device arrangement further comprising means,

such as a transmission power controller to limit the range so that

communication between the mobile input unit 3 and the device 2 is

of a shorter range than communication between two devices 2, 2a-2f.

The present invention, for example, as recited in independent claim 9, shown in FIGs 1-3, and described on page 3, lines 1-33; and page 5, line 10 to page 7, line 5 of the specification, is directed to a device 2 for use in a network arrangement, the device 2 comprising a name memory 6 that stores a device name uniquely assigned to the device 2, to enable the device 2 to be uniquely actuated within the network 1; and at least one wireless transmitter 14. As shown in FIG 3 and described on page 5, line 26 to page 7, line 5 of the specification, the device name stored in the name memory 6 is individually selected and/or changed via the wireless transmitter 14; and in response to a user entering a desired device name in a mobile input unit 3 and bringing the mobile input unit 3 within communication range between the device 2 and the mobile unit 3, the desired device name is automatically transmitted from the mobile input unit 3 to the device 2 and the name memory 6 of the device 3 is overwritten with the desired device name.

The present invention, for example, as recited in independent

claim 10, shown in FIGs 1-3, and described on page 3, lines 1-33;

and page 5, line 10 to page 7, line 5 of the specification, is

directed to an input unit 3 for use in a network 1 including

devices 2, 2a-2f, the input unit 3 comprising an input means, such

as a keyboard 7 for input of a desired device name for a device 2

of the devices; and a wireless transmission means, such as a

transmitter 5 for transmitting the desired device name to the

device 2. As shown in FIG 2 and described on page 5, line 26 to

page 7, line 5, of the specification, in response to a user

entering the desired device name in the input means 7, and bringing

the input unit 3 within communication range between the device 2

and the input unit 3, the desired device name is automatically

transmitted from the input unit 3 to the device 2, and a name

memory 6 of the device 2 is overwritten with the desired device

name.


The present invention, for example, as recited in independent

claim 11, shown in FIGs 1-3, and described on page 3, lines 1-33;

and page 5, line 10 to page 7, line 5 of the specification, is directed to a method of actuating a plurality of devices 2, 2a-2f on a network 1, connected to an electronic data link 12, each device 2 having a name memory 6 that stores a device name uniquely assigned to the device 2, to enable each device 2 to be uniquely actuated within the network 2. As shown in FIGs 1-3 and described on page 5, line 26 to page 7, line 5 of the specification, the method comprising entering a desired device name with an input means, such as a keyboard 7 belonging to a mobile input unit 3 when the input unit 3 is brought into the vicinity of a device 2; transmitting the entered device name being entered via the electronic data link 12 from the mobile input unit 3 to the device 2; and changing the device name stored in the device 2. As described on page 6, lines 26-33 of the specification, the transmitting and changing are automatically performed in response to a user entering the desired device name in the input means 7 of the mobile input unit 3 and bringing the mobile input unit 3 within communication range between the device 2 and the mobile input unit 3, where the name memory 6 of the device 2 is overwritten with the desired device name.

## GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-8 of U.S. Patent Application Serial No. 10/542,059 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0174270 (Stecyk) in view of U.S. Patent No. 6,791,467 (Ben-Ze'ev) and KR 2002011029 A (Kim).

Whether claims 9-13 of U.S. Patent Application Serial No. 10/542,059 are unpatentable under 35 U.S.C. §103(a) over Stecyk in view of Kim.

ARGUMENT

<u>Claims 1-8 are said to be unpatentable under 35 U.S.C. §103(a)</u>
<u>over Stecyk and Ben-Ze'ev in view of Kim</u>.

Appellants respectfully request the Board to address the

patentability of independent claims 1 and 9-11, as well as

dependent claim 2, and further claims 2-6 and 8-12 as depending

from claims 1 and 11, based on the requirements of independent

claims 1 and 11. This position is provided for the specific and

stated purpose of simplifying the current issues on appeal.

However, Appellants herein specifically reserve the right to argue

and address the patentability of claims 2, 4-8 and 12-13 at a later

date should the separately patentable subject matter of claims 2,

4-8 and 12-13 later become an issue. Accordingly, this limitation

of the subject matter presented for appeal herein, specifically

limited to discussions of the patentability of claims 1 and 9-11,

and dependent claim 3, is not intended as a waiver of Appellants'

right to argue the patentability of the further claims and claim

elements at that later time.

Stecyk is directed to an apparatus, methods, and systems for

centrally and uniformly controlling the operation of a variety of devices. Ben-Ze'ev is directed to a method and system for the remote controlling of appliances includes an adaptive remote controller that adapts itself automatically to its environment so as to remotely control a plurality of appliances.

As correctly noted on page 4, second full paragraph of the Final Office Action, Stecyk and Ben-Ze'ev do not disclose or suggest that "in response to a user entering the desired device name in the mobile input unit and bringing the mobile input unit within the range, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name," as recited independent claim 1. Kim is cited in an attempt to remedy the deficiencies in Stecyk and Ben-Ze'ev.

Kim discloses a name setting method of a home network, where a list of names prepared by a manufacturer is displayed. The user selects a name from the list and a corresponding device is changed to the selected name.

It respectfully submitted that Stecyk, Ben-Ze'ev, Kim, and combination thereof, do not disclose or suggest the present

invention as recited in independent claim 1 which, amongst other

patentable elements, recites (illustrative emphasis provided):

> wherein <u>in response</u> to a <u>user entering</u> the
> desired device <u>name</u> in the mobile input unit **and**
> **bringing the mobile input unit within the range**, the
> desired device name is <u>automatically transmitted</u> from
> the mobile input unit to the device and the name
> memory of the device is overwritten with the desired
> device name.

Overwritten the device name memory with the desired device

name in response to bringing the mobile input unit within range is

nowhere disclosed or suggested in Stecyk, Ben-Ze'ev and Kim, alone

or in combination. Rather, Kim merely discloses to that a selected

name is transmitted to a device and the device name is changed to a

selected name. Kim is completely silent and does not disclose or

suggest that the name change or name transmission is "in response

to ... bringing the mobile input unit within the range," as recited

in independent claim 1.

Accordingly, it is respectfully submitted that independent

claim 1 is allowable, and allowance thereof is respectfully

requested. In addition, it is respectfully submitted that claims

2-8 should also be allowed at least based on their dependence from

independent claim 1.

Further, page 5, fifth full paragraph of the Final Office

Action, alleges that column 8, lines 51-58 of Ben-Ze'ev discloses

"means to limit the range so that communication between the mobile

input unit and the device is of a shorter range than communication

between two devices," as recited in claim 3. Appellants

respectfully disagree and submit that column 8, lines 51-58 of Ben-

Ze'ev specifically recites (emphasis added):

> The system 20 of the application preferably
> operates in one of said protocols, however any other
> suitable communication protocol or **frequency** range may
> be used instead. The transmitters and receivers of the
> remote controller, as well as of each one of the
> appliances, are intentionally designed to enable
> communication over a short range, generally of no more
> than about 100 meters, in order to limit the
> communication to a close range, thereby not
> interfering with other environment/s operating in the
> same ISM band.

A careful reading of column 8, lines 51-58 of Ben-Ze'ev

indicates that a general discussion of short range is provided

using suitable frequency ranges to prevent interference.  It is

respectfully submitted that such a disclosure does not teach or

suggest "to limit the range so that communication between the

mobile input unit and the device is of a **shorter range than**

communication <u>between two devices</u>."   (Illustrative emphasis

provided)   Using a shorter communication range between a mobile

input unit and a device than communication range between two

devices, is nowhere discloses or suggested in Stecyk, Ben-Ze'ev and

Kim, alone or in combination.   Rather, Ben-Ze'ev merely discloses

to use different protocols and **frequency** ranges for communication

between a remote controller and appliances.


<u>Claims 9-13 are said to be unpatentable under 35 U.S.C.
§103(a) over Stecyk in view of Kim</u>.

Stecyk is directed to an apparatus, methods, and systems for

centrally and uniformly controlling the operation of a variety of

devices.

As correctly noted in the Final Office Action, page 8, first

full paragraph, the paragraph spanning pages 8-9, and the paragraph

spanning pages 9-10, Stecyk does not disclose or suggest that "in

response to a user entering a desired device name in a mobile input

unit and bringing the mobile input unit within communication range

between the device and the mobile unit, the desired device name is

automatically transmitted from the mobile input unit to the device

and the name memory of the device is overwritten with the desired

device name," as recited independent claim 9. Kim is cited in an

attempt to remedy the deficiencies in Stecyk.

Kim discloses a name setting method of a home network, where a

list of names prepared by a manufacturer is displayed. The user

selects a name from the list and a corresponding device is changed

to the selected name.

It respectfully submitted that Stecyk, Ben-Ze'ev, Kim, and

combination thereof, do not disclose or suggest the present

invention as recited in independent claim 9, and similarly recited

in independent claims 10-11 which, amongst other patentable

elements, recites (illustrative emphasis provided):

> wherein <u>in response</u> to a <u>user entering</u> a desired
> device name in a mobile input unit **and bringing the**
> **mobile input unit within communication range between**
> **the device and the mobile unit**, the desired device
> name is <u>automatically transmitted</u> from the mobile
> input unit to the device and the name memory of the
> device is overwritten with the desired device name.

Overwritten the device name memory with the desired device

name in response to bringing the mobile input unit within range is

nowhere disclosed or suggested in Stecyk and Kim, alone or in

combination. Rather, Kim merely discloses to that a selected name

is transmitted to a device and the device name is changed to a selected name. Kim is completely silent and does not disclose or suggest that the name change or name transmission is "in response to ... bringing the mobile input unit within the range," as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claims 9, 10 and 11 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 12-13 should also be allowed at least based on their dependence from independent claims 1 and 11.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-13 are patentable over Stecyk, Ben-Ze'ev and Kim.

Thus, the Examiner's rejections of claims 1-13 should be

reversed.

Respectfully submitted,

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**CLAIMS APPENDIX**

1.(Previously Presented)   A device arrangement for a network comprising:

devices that are connected to an electronic data link, wherein each device of the devices has a name memory for storing a device name uniquely assigned to a device of the devices, to enable the each device to be uniquely actuated within the network; and

a mobile input unit having an input device configured to allow input of a desired device name;

wherein the electronic data link is configured for allowing communication between the mobile input unit and the device, and wherein the electronic data link has so short a range that, by positioning the mobile input unit in a vicinity of the device, the device is selected among the devices on the network, wherein the mobile input unit is configured to select or change the device name stored in the name memory via the electronic data link; and

wherein in response to a user entering the desired device name in the mobile input unit and bringing the mobile input unit within

the range, the desired device name is automatically transmitted

from the mobile input unit to the device and the name memory of the

device is overwritten with the desired device name.

2.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the devices have first transmission means of a

first type for linking with other devices on the network; and

second transmission means of a second type for communication with

the mobile input unit.

3.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the devices have transmission means of a first

type for linking with other devices on the network, and the mobile

input unit also has a transmission means of the first type, the

device arrangement further comprising means to limit the range so

that communication between the mobile input unit and the device is

of a shorter range than communication between two devices.

4.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the mobile input unit has a wireless transmission

means, and the devices have a corresponding wireless transmission

means for communicating with the mobile input unit and for

transmitting the name.


5.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the range of communication between the mobile

input unit and the device is less than 3 meters.


6.(Previously Presented)  A device arrangement as claimed in

claim 1, wherein the range of communication between the mobile

input unit and the device can be set by the user.


7.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the input unit has a display for displaying the

device name read out from the device.


8.(Previously Presented)  The device arrangement as claimed in

claim 1, wherein the input unit is suitable for input of a key for

the device.

9.(Previously Presented)  A device for use in a network arrangement, the device comprising:

a name memory that stores a device name uniquely assigned to the device, to enable the device to be uniquely actuated within the network; and

at least one wireless transmitter;

wherein the device name stored in the name memory is individually selected and/or changed via the wireless receiver;

wherein in response to a user entering a desired device name in a mobile input unit and bringing the mobile input unit within communication range between the device and the mobile unit, the desired device name is automatically transmitted from the mobile input unit to the device and the name memory of the device is overwritten with the desired device name.


10.(Previously Presented)  An input unit for use in a network including devices, the input unit comprising:

an input means for input of a desired device name for a device of the devices; and

a wireless transmission means for transmitting the desired

device name to the device;

wherein in response to a user entering the desired device name in the input means and bringing the input unit within communication range between the device and the input unit, the desired device name is automatically transmitted from the input unit to the device and a name memory of the device is overwritten with the desired device name.

11. (Previously Presented)  A method of actuating a plurality of devices on a network, connected to an electronic data link, each device having a name memory that stores a device name uniquely assigned to the device, to enable each device to be uniquely actuated within the network, the method comprising the acts of:

entering a desired device name with an input means belonging to a mobile input unit when the input unit is brought into the vicinity of a device;

transmitting the entered device name being entered via the electronic data link from the mobile input unit to the  device; and

changing the device name stored in the device;

wherein the transmitting and changing acts are automatically

performed in response to a user entering the desired device name in the input means of the mobile input unit and bringing the mobile input unit within communication range between the device and the mobile input unit where the name memory of the device is overwritten with the desired device name.

12. (Previously Presented)   The method as recited in claim 11, wherein the plurality of devices on the network includes at least one of the following: a home network having a plurality of electronic devices, building control devices, home entertainment electronics devices, or network control devices.

13. (Previously Presented)   The device arrangement of claim 1, wherein the plurality of devices on the network includes at least one of the following: a home network having a plurality of electronic devices, building control devices, home entertainment electronics devices, or network control devices.

**EVIDENCE APPENDIX**

None

## RELATED PROCEEDINGS APPENDIX

None